IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.67 OF 2006

Mr. Dinesh Bhagwandas Parmar ...Applicant.

V/s

The State of Maharashtra
and Ors. ....Respondents.

Shri Mahesh N. Kotian with Shri Jaydeo Hemmady with
Shri D.B. Devadiga for the applicant.

Shri Rajesh More, APP for the State.

Shri A.S. Rajadhyaksha for respondent No.3.

CORAM: V.M. KANADE, J.
DATE: 15th February, 2006

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicant, the learned APP for the State and the learned Counsel for respondent No.3.

2. This is an application for an anticipatory bail. The applicant apprehends an arrest in connection with the offence registered at Malad Police Station vide C.R. No. 603 of 2005 for the offence punishable under section 452, 447, 448, 454, 380 and 427 of the Indian Penal Code. It is alleged that the applicant was working as site-incharge of Vishal Constructions. A complaint was filed by one of the tenants on the ground that without obtaining her permission and consent, the tenanted premises were demolished and the

material and belongings which were kept in the house were removed.

3. It is submitted by the learned Counsel appearing on behalf of the applicant that all the tenants except the complainant vacated their respective premises in the building and it was agreed that the tenants would pay certain amount and they would be provided with permanent alternative accommodation at the said place after the building was reconstructed. It is submitted that only the complainant had refused to execute the said agreement. He submitted that the premises were locked and were not in use and the complainant was residing with her son. It is submitted that the complainant was demanding a flat at good location in the reconstructed building and since the said demand was not accepted by the Company, the complainant has filed the present false complaint.

4. It is not possible to accept the contentions made by the learned Counsel appearing on behalf of the applicant. It is an admitted position that the applicant's husband was a tenant in the said premises. The application for transfer of tenancy after his death in her name was made. However, the said transfer had not been effected and the rent note was

not issued in her name. Admittedly, the agreement which was executed by other tenants was not executed by the complainant. Thus, the applicant had no authority to take law into his hands and demolish the building. The fact whether the complainant was residing in the premises or not is immaterial since the allegation was that without her consent her premises were demolished. The complainant is a widow of the tenant and though she had applied for transfer of tenancy, the transfer of tenancy was withheld and the complainant was being pressurised to sign the agreement with the builder. It is no doubt true that the reason why the said construction was sought to be demolished was laudable since the applicant intended to start charitable and philanthropic activity in the new building. However, that does not give right to the applicant to take law in his hands. The application for anticipatory bail is therefore rejected.

5. Application is accordingly disposed of.

V.M. KANADE, J.